

(c) Consumer rights to accurate equipment charges

A provider of a covered service or fixed broadband internet access service may not charge a consumer for—

- (1) using covered equipment provided by the consumer; or
- (2) renting, leasing, or otherwise providing to the consumer covered equipment if—
 - (A) the provider has not provided the equipment to the consumer; or
 - (B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

(d) Definitions

In this section:

(1) Broadband internet access service

The term “broadband internet access service” has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) Covered equipment

The term “covered equipment” means equipment (such as a router) employed on the premises of a person (other than a provider of a covered service or fixed broadband internet access service) to provide a covered service or to provide fixed broadband internet access service.

(3) Covered service

The term “covered service” means service provided by a multichannel video programming distributor,¹ to the extent such distributor is acting as a multichannel video programming distributor.

(June 19, 1934, ch. 652, title VI, §642, as added Pub. L. 116–94, div. P, title X, §1004(a), Dec. 20, 2019, 133 Stat. 3200.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116–94, div. P, title X, §1004(b), Dec. 20, 2019, 133 Stat. 3201, provided that: “Section 642 of the Communications Act of 1934 [47 U.S.C. 562], as added by subsection (a) of this section, shall apply beginning on the date that is 6 months after the date of the enactment of this Act [Dec. 20, 2019]. The Federal Communications Commission may grant an additional 6-month extension if the Commission finds that good cause exists for such an additional extension.”

**PART V—VIDEO PROGRAMMING SERVICES
PROVIDED BY TELEPHONE COMPANIES**

§ 571. Regulatory treatment of video programming services

(a) Limitations on cable regulation

(1) Radio-based systems

To the extent that a common carrier (or any other person) is providing video programming to subscribers using radio communication, such carrier (or other person) shall be subject

to the requirements of subchapter III and section 572 of this title, but shall not otherwise be subject to the requirements of this subchapter.

(2) Common carriage of video traffic

To the extent that a common carrier is providing transmission of video programming on a common carrier basis, such carrier shall be subject to the requirements of subchapter II and section 572 of this title, but shall not otherwise be subject to the requirements of this subchapter. This paragraph shall not affect the treatment under section 522(7)(C) of this title of a facility of a common carrier as a cable system.

(3) Cable systems and open video systems

To the extent that a common carrier is providing video programming to its subscribers in any manner other than that described in paragraphs (1) and (2)—

(A) such carrier shall be subject to the requirements of this subchapter, unless such programming is provided by means of an open video system for which the Commission has approved a certification under section 573 of this title; or

(B) if such programming is provided by means of an open video system for which the Commission has approved a certification under section 573 of this title, such carrier shall be subject to the requirements of this part, but shall be subject to parts I through IV of this subchapter only as provided in 573(c) of this title.

(4) Election to operate as open video system

A common carrier that is providing video programming in a manner described in paragraph (1) or (2), or a combination thereof, may elect to provide such programming by means of an open video system that complies with section 573 of this title. If the Commission approves such carrier's certification under section 573 of this title, such carrier shall be subject to the requirements of this part, but shall be subject to parts I through IV of this subchapter only as provided in 573(c) of this title.

(b) Limitations on interconnection obligations

A local exchange carrier that provides cable service through an open video system or a cable system shall not be required, pursuant to subchapter II of this chapter, to make capacity available on a nondiscriminatory basis to any other person for the provision of cable service directly to subscribers.

(c) Additional regulatory relief

A common carrier shall not be required to obtain a certificate under section 214 of this title with respect to the establishment or operation of a system for the delivery of video programming.

(June 19, 1934, ch. 652, title VI, §651, as added Pub. L. 104–104, title III, §302(a), Feb. 8, 1996, 110 Stat. 118.)

§ 572. Prohibition on buy outs

(a) Acquisitions by carriers

No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled

¹ So in original. Probably should be “distributor.”